

E-Filed 5/17/11

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, ,

Plaintiff,

v.

CITY OF ALAMEDA, et al.,

Defendants.

No. 4:09-CV-05684-RS

~~PROPOSED~~ ORDER GRANTING
STAY

BAYKEEPER, INC., d/b/a SAN FRANCISCO
BAYKEEPER, Intervenor-Plaintiff.

~~PROPOSED~~ ORDER GRANTING STAY

Whereas, good cause appears:

Pursuant to Stipulation, IT IS ORDERED that:

1. The stay previously granted in this matter is hereby extended to and including July 1, 2011, under the terms and conditions set forth herein. All litigation activity shall continue to be stayed in *United States v. City of Alameda, et al.*, USDC N.D. Cal. Case No. CV 09-05684 CW to and including July 1, 2011.

- a. No party will file motions or initiate discovery.

b. The time for the United States to serve its summons and complaint will be tolled while the stay is in effect.

c. The time for Defendants to respond in any way to Baykeeper's complaint in intervention will be tolled while the stay is in effect, and Defendants preserve all options and arguments for any response to Baykeeper's complaint in intervention.

2. Since on March 15, 2011 the United States filed an amended complaint in which the Water Boards also are named as a plaintiff and assert State law claims, the time for Defendants to receive summons and complaint as well as to respond in any way to Plaintiffs' complaint remains tolled while the stay is in effect.

3. Until a new Scheduling Conference is scheduled sometime after July 1, 2011, the parties will not hold their Conference under Fed. R. Civ. P. 26(f) and will not make disclosures under Rule 26(a).

4. This Stipulation will not be considered a general appearance by the Defendants.

5. Baykeeper shall continue to have the right to participate in negotiations with the United States, Water Boards, and the Defendants regarding the Stipulated Order for Preliminary Relief. During the stay period, Baykeeper shall receive copies of any documents or plans due under the current Administrative Orders issued to Defendants on or about November 18, 2009, and shall have the opportunity to comment on those documents and plans.

6. This Stay may be extended by stipulation of the parties, and further order of the Court.

Date: 5/17/11

By: 

United States District Judge